STATE PERSONNEL BOARD CALENDAR



DECEMBER 19, 2006
SACRAMENTO

State of California

Memorandum

DATE: December 8, 2006

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Office

SUBJECT: Notice and Agenda for the December 19, 2006, meeting of the State

Personnel Board.

PLEASE TAKE NOTICE that on December 19, 2006, at offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the December 19, 2006, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 52, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

http://www.spb.ca.gov/calendar.htm

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

Karen Yu

Secretariat's Office

Attachment





CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall Sacramento, California

Public Session Location - 801 Capitol Mall Sacramento, California, Room 150 Teleconference – 320 West 4th Street² Los Angeles, California, Suite 620

Closed Session Location - 801 Capitol Mall Sacramento, California, Room 141 Teleconference – 320 West 4th Street Los Angeles, California Suite 620

MID MONTH BOARD MEETING - DECEMBER 19, 2006

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at

^{(916) 653-0429,} or CALNET 453-0429, TDD (916) 654-2360. ²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

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MID MONTH BOARD MEETING AGENDA³

DECEMBER 19, 2006

9:00 a.m. – 10:30 a.m. (or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND ARE SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 9:30 a.m.)

- 1. ROLL CALL
- 2. REPORT OF THE EXECUTIVE OFFICER Floyd D. Shimomura
- 3. REPORT OF THE CHIEF COUNSEL Elise Rose
- 4. NEW BUSINESS

Items may be raised by Board Members for scheduling and discussion for future meetings.

5. REPORT ON LEGISLATION – Sherry Evans

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(9:30 a.m. - 10:00 a.m.)

6. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

³ The Agenda for the Board Meetings can be obtained at the following internet address: http://www.spb.ca.gov/calendar.htm

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

Patrick McCollum v. State of California
United States District Court, Northern District of California
Case No. C 04-03339 CRB

<u>Plata, et al. v. Schwarzenegger, et al.</u> Case No. C01-1351 TEH

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature. [Government Code section 18653.]

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(10:00 a.m. – Onwards)

11. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULE OF JANUARY 9-10, 2007, IN SACRAMENTO, CALIFORNIA

BOARD ACTIONS:

- 12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF NOVEMBER 14, 2006
- **13. EVIDENTIARY CASES -** (See Case Listings on Pages 10–17)
- **14.** RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION (See Agenda on Pages 17–20)
- **15. NON-EVIDENTIARY CASES -** (See Case Listings on Pages 23–24)
- 16. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code section 18500 et seq.) and Article VII. California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

NONE

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

PUBLIC HEALTH SOCIAL WORK CONSULTANT I

The Office of the California Prison Healthcare Receiver on behalf of the California Department of Corrections and Rehabilitation (CDCR) proposes revisions to the Licensed Vocational Nurse (Safety) classification. The Receiver's revisions provide for use of the class within an institutional setting and do not impact current incumbents.

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and the State Personnel Board approves it, the action becomes effective without further action by the Board.

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The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

CHIEF, OFFICE OF HEALTH INFORMATION PORTABILITY AND ACCOUNTABILITY ACT (HIPAA) COMPLIANCE (OHC)

The Department of Health Services proposes to allocate the above position to the CEA category. The Chief Office of HIPAA, OHC will oversee the HIPAA functions related to the development, implementation, and monitoring of all policies to ensure CDHS compliance with the federal requirements for HIPAA.

CHIEF, HOSPITAL FINANCING AND FEDERAL CLAIMING DIVISION

The Department of Health Services proposes to allocate the above position to the CEA category. The Chief, Hospital Financing and Federal Claiming Division serves as the central point for policy development, interpretation, and implementation with respect to hospital financing and federal claiming activities.

CHIEF, MEDI-CAL ELIGIBILITY DIVISION

The Department of Health Services proposes to allocate the above position to the CEA category. The Chief, Medi-Cal Eligibility Division oversees the Medi-Cal Eligibility functions related to development, clarification, implementation, and coordination of all policies and procedures to implement federal and state Medicaid (Medi-Cal) eligibility requirements.

CHIEF, INTERNAL AUDITS

The California State Lottery proposes to allocate the above position to the CEA category. The Chief, Internal Audits will be the audit and internal control subject matter expert responsible for developing policies related to department controls and information security.

CHIEF COUNSEL, DIVISION OF RATEPAYER ADVOCATES

The Public Utilities Commission proposes to allocate the above position to the CEA category. The Chief Counsel, Division of Ratepayer Advocates will play a critical role in the formulation and implementation of Division policy on legal matters as they relate to natural gas, electric, water, and telecommunications issues affecting ratepayers in California.

CHIEF, ADMINISTRATIVE LAW JUDGE

The State Personnel Board proposes to allocate the above position to the CEA category. The Chief, Administrative Law Judge will be the principal policymaker for the evidentiary appeals function within the State Personnel Board.

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DEPUTY DIRECTOR, PLATA WORKFOCE PLANNING & MANAGEMENT DEVELOPMENT, DIVISION OF CORRECTIONAL HEALTH CARE SERVICES (DCHCS)

The California Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Deputy Director for *Plata* Workforce Planning and Management Development will have statewide leadership responsibility for the development, review, modification, monitoring, and implementation of policies and standards for the workforce planning recruitment function in relation to the delivery of medical care under the auspices of the *Plata* Receivership.

ASSISTANT SECRETARY, OFFICE OF PROGRAM AND FISCAL AFFAIRS

The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Assistant Secretary, Office of Program and Fiscal Affairs formulates, analyzes, revises, interprets, and evaluates program and fiscal policies for prevention and public health programs under the jurisdiction of the Health and Human Services Agency.

CHIEF, FIELD TECHNICAL SERVICES DIVISION

The Department of Parks and Recreation is proposing to revise their existing CEA allocation titled Chief, Field Services Division, Park Operations to the above position. The Chief, Field Technical Services Division will have specific responsibility for the development and implementation of all policies pertaining to the department's facility maintenance programs.

ASSISTANT SECRETARY, OFFICE OF PROGRAM AND FISCAL AFFAIRS

The Health and Human Services Agency proposes to allocate the above position to the CEA category. The Assistant Secretary, Office of Program and Fiscal Affairs formulates, analyzes, revises, interprets, and evaluated program and fiscal policies for prevention and public health programs under the jurisdiction of the Health and Human Services Agency.

DEPUTY DIRECTOR, LEGAL AND LEGISLATIVE AFFAIRS

The State Office of the Chief Information Officer proposes to allocate the above position to the CEA category. The Deputy Director, Legal and Legislative Affairs is responsible for four primary functions: provides legal advice to the State Chief Information Officer; represents the State CIO's Office legal needs, plans and initiatives; manages the State CIO's Office legislative affairs; and acts as the Public Information Officer for the State's CIO Office.

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The State Office of the Chief Information Officer proposes to allocate the above position to the CEA category. The Deputy Director, Strategic Planning and Governance is responsible for three primary functions: governance process for enterprise policy development and strategic planning; development and management of the State Information Technology Strategic Plan (ITSP); and direction of the State CIO administrative program and activities.

DEPUTY DIRECTOR, ENTERPRISE INITIATIVES

The State Office of the Chief Information Officer proposes to allocate the above position to the CEA category. The Deputy Director, Enterprise Initiatives is responsible for five primary functions: Statewide Information Technology Initiatives; Enterprise Architecture; Information Technology Standards; Shared Technology Infrastructure and Services; and Green Technology.

DEPUTY DIRECTOR, STATEWIDE POLICY

The State Office of the Chief Information Officer proposes to allocate the above position to the CEA category. The Deputy Director, Statewide Policy is responsible for statewide development of policies that affect all state agencies and departments such as portal framework policies, strategic sourcing, and identify management.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

ASSISTANT EXECUTIVE OFFICE

The Sierra Nevada Conservancy's proposal to allocate the above position to the CEA category has been approved effective November 28, 2006.

DEPUTY DIRECTOR, CRIME AND VIOLENCE PREVENTION CENTER

The Department of Justice's proposal to allocate the above position to the CEA category has been approved effective November 28, 2006.

DEPUTY TOLL BRIDGE, PROGRAM MANAGER

The Department of Transportation's proposal to allocate the above position to the CEA category has been approved effective November 13, 2006.

CHIEF, STATEWIDE COMPLIANCE DIVISION

The Department of Toxic Substance Control's request to re-allocate the CEA allocation titled Chief, statewide Compliance Division, to the position titled Deputy Director, Enforcement has been approved effective November 9, 2006.

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19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

- 20. WRITTEN STAFF REPORT FOR BOARD INFORMATION
- 21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY
- **22. BOARD ACTIONS ON SUBMITTED ITEMS –** (See Agenda on Pages 21–22)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those are listed separately by category on this agenda under Evidentiary Cases.

ADJOURNMENT

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The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) CASE NO. 05-1737RPA

Appeal from dismissal

Classification: Psychiatric Technician Assistant **Department:** Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Transcript prepared.

Pending oral argument July 11, 2006, Sacramento.

Oral argument heard July 11, 2006.

Case ready for decision by FULL Board.

(2) CASE NO. 05-3030A

Appeal from constructive demotion Classification: Officer Technician

Department: Department of Developmental Services

Proposed decision rejected May 2, 2006.

Transcript prepared.

Pending oral argument August 8, 2006, Los Angeles.

Oral argument continued.

Pending oral argument October 31, 2006, Sacramento.

Oral argument heard October 31, 2006.

Case ready for decision by FULL Board.

(3) CASE NO. 06-1433

Appeal from official reprimand

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

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(4) CASE NO. 05-1875A

Appeal from rejection during probationary period Classification: Equipment Material Specialist Department: Department of Transportation

Proposed decision rejected August 8, 2006.

Transcript prepared.

Pending oral argument October 31, 2006, Los Angeles.

Oral argument heard October 31, 2006. Case ready for decision by FULL Board.

(5) CASE NO. 05-1567A

Appeal from dismissal

Classification: Housing Finance Specialist (General)

Department: California Housing Finance Agency

Proposed decision rejected July 11, 2006.

Transcript prepared.

Pending oral argument October 31-November 1, 2006, San Diego.

Oral argument continued.

Pending oral argument December 5, 2006, San Francisco.

Oral argument heard December 5, 2006.

Case ready for decision by FULL Board.

(6) CASE NO. 05-0078A

Appeal from dismissal

Classification: Workers' Compensation Payroll Auditor **Department:** State Compensation Insurance Fund

Proposed decision rejected May 23, 2006.

Transcript prepared.

Pending oral argument September 5, 2006, Sacramento.

Oral argument heard September 5, 2006.

Case ready for decision by FULL Board.

(7) CASE NO. 06-1310

Appeal from 14 working days suspension **Classification**: Regional Administrator

Department: Department of Corrections and Rehabilitation

Proposed decision taken under submission December 5, 2006.

(8) PSC NO. 06-03

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services **Department:** Department of California Highway Patrol

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Employee Organization: Services Employees International Union, Local 1000 (CSEA)

Oral argument heard October 10, 2006. Case ready for decision by FULL Board.

B. CASES PENDING

ORAL ARGUMENTS

NONE

C. <u>CHIEF COUNSEL RESOLUTIONS</u>

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

(1) CASE NO. 05-3400

Appeal from dismissal Classification: Officer

Department: Department of California Highway Patrol

(2) CASE NO. 06-0425

Appeal from formal reprimand

Classification: Physician and Surgeon

Department: Department of Corrections and Rehabilitation

(3) CASE NO. 06-2346

Appeal from sixty work day's suspension Classification: Correctional Sergeant

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Department: Department of Corrections and Rehabilitation

(4) CASE NO. 06-0622

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(5) CASE NO. 05-4007E

Appeal from denial of discrimination complaint

Classification: Outside Subcontractor

Department: Department of Transportation

(6) CASE NO. 05-3688

Appeal from 10 percent reduction in salary for 12 months

Classification: Parole Agent I, AP

Department: Department of Corrections and Rehabilitation

(7) CASE NO. 03-3412

Appeal from rejection during probationary period

Classification: Correctional Counselor II

Department: Department of Corrections and Rehabilitation

(8) CASE NO. 06-1497

Appeal from rejection during probationary period

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(9) CASE NO. 05-2026

Appeal from 30 calendar day's suspension

Classification: Associate Property Auditor Appraiser

Department: Board of Equalization

(10) CASE NO. 06-1506

Appeal from 10 percent reduction in salary for 24 pay periods

Classification: Youth Correctional Officer

Department: Department of Corrections and Rehabilitation

(11) CASE NO. 06-2277

Appeal from dismissal

Classification: Painter II

Department: Department of Corrections and Rehabilitation

(12) CASE NO. 06-1773

Appeal from official reprimand

Classification: Supervisor of Correctional Education Programs

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Department: Department of Corrections and Rehabilitation

(13) CASE NO. 06-3617

Appeal from formal reprimand

Classification: Office Assistant (Typing)

Department: Department of Water Resources

(14) CASE NO. 06-0754

Appeal from dismissal

Classification: Assistant Caltrans Administrator Department: Department of Transportation

(15) CASE NO. 06-0728

Appeal from dismissal

Classification: Senior Psychiatric Technician (Safety)

Department: Department of Mental Health

(16) CASE NO. 05-3533

Appeal from dismissal

Classification: Office Assistant (General)

Department: State Compensation Insurance Fund

(17) CASE NO. 06-1745

Appeal from five percent reduction in salary for 12 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

(18) CASE NO. 06-2391

Appeal from termination without fault

Classification: Correctional Counselor II (Supervisor)

Department: Department of Corrections and Rehabilitation

(19) CASE NO. 06-0011

Appeal from five percent reduction in salary for three months

Classification: Maintenance Supervisor Department: Department of Transportation

(20) CASE NO. 05-3308

Appeal from rejection during probationary period **Classification:** Licensed Psychiatric Technician

Department: Department of Corrections and Rehabilitation

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

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These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. <u>PETITIONS FOR REHEARING</u>

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

(1) CASE NO. 06-0131P

Appeal from dismissal

Classification: Building Maintenance Worker

Department: Department of Developmental Services

(2) CASE NO. 04-2950P

Appeal from dismissal

Classification: Transportation Engineer (Civil)

Department: Department of Transportation

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) CASE NO. 05-0053A

Appeal from dismissal

Classification: Park Maintenance Assistant

Department: Department of Parks and Recreation

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Proposed decision rejected October 10, 2006. Transcript prepared.

(2) CASE NO. 06-0760A

Appeal from rejection during probation

Classification: Parole Agent I (Adult Parole)

Department: Department of Corrections and Rehabilitation

Proposed decision rejected November 14, 2006. Transcript prepared.

(3) CASE NO. 05-2211A

Appeal from dismissal

Classification: Senior Tax Compliance Representative **Department**: Employment Development Department

Proposed decision rejected September 20, 2006. Transcript prepared.

(4) CASE NO. 05-2888PA

Appeal from dismissal

Classification: Staff Services Analyst (General)

Department: Department of Consumer Affairs

Petition for rehearing granted October 31, 2006. Pending transcript.

(5) CASE NO. 05-0638A

Appeal from dismissal

Classification: Conservationist I

Department: California Conservation Corps

Proposed decision rejected September 5, 2006. Transcript prepared.

(6) CASE NO. 04-2919EPA

Appeal of discrimination and retaliation Classification: Physician and Surgeon

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted September 20, 2006. Transcript prepared.

(7) CASE NO. 05-0927BA

Appeal for back salary determination Classification: Correctional Sergeant

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Department: Department of Corrections and Rehabilitation

Proposed decision rejected December 5, 2006.

Pending transcript.

(8) CASE NO. 05-4416PA

Appeal from 10 percent reduction in salary for 13 pay periods Classification: Medical Technical Assistant (Correctional Facility) Department: Department of Corrections and Rehabilitation

Petition for rehearing granted November 14, 2006. Transcript prepared.

(9) CASE NO. 06-0392A

Appeal of five percent reduction in salary for 24 months

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Proposed decision rejected October 31, 2006.

Pending transcript.

15. NON-EVIDENTIARY CASES

A. <u>WITHHOLD APPEALS</u>

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

<u>WITHHOLD FROM CERTIFICATION</u> CASES NOT HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 05-3640

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; negative employment record, and omitted

pertinent information.

(2) CASE NO. 05-3644

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

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Issue: Suitability; negative employment record, and omitted pertinent information.

(3) CASE NO. 05-3636

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; firearms prohibition.

(4) CASE NO. 05-4160

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; negative employment and driving record, negative law enforcement contacts and furnished inaccurate information.

(5) CASE NO. 05-3649

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; negative employment record and omitted pertinent information.

(6) CASE NO. 05-3651

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; negative employment record.

(7) CASE NO. 05-3586

Classification: Youth Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; negative employment and driving record, and omitted pertinent information.

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(8) CASE NO. 05-2146

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; felony conviction.

(9) CASE NO. 05-3678

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; illegal drug activity.

(10) CASE NO. 05-3676

Classification: Motor Vehicle Field Representative

Department: Department of Motor Vehicles

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Issue: Suitability; negative driving record.

(11) CASE NO. 05-3292

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

Issue: Suitability; probationary status.

(12) CASE NO. 05-3242

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; negative driving record, negative law enforcement contacts, and failed to meet legal requirements.

(13) CASE NO. 05-3369

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; omitted pertinent information and furnished

inaccurate information during the selection process.

(14) CASE NO. 05-3372

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation **Issue:** Suitability; negative law enforcement contacts.

CASE NO. 06-3092N

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

B. <u>MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS</u>

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

(1) CASE NO. 05-3273

Classification: Cadet, CHP

Department: California Highway Patrol

Issue: The appellant may suffer from periods of over-activity, with concerns about confusion and flight of ideas. It is suggested that she may tend to stir up some excitement when she is bored. She also is characterized by a somewhat abrupt style of expression and often offers candid self-descriptions that were unflattering.

CASE NO. 06-2666

Classification: Correctional Officer

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Department: California Department of Corrections and

Rehabilitation

C. EXAMINATION APPEALS MINIMUM QUALIFICATIONS MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

NONE

D. RULE 211 APPEALS RULE 212 OUT OF CLASS APPEALS VOIDED APPOINTMENT APPEALS

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

• CASE NO. 06-3548N

Classification: Unknown

Department: Department of Health Services

PETITIONS FOR REHEARING CASES

NONE

<u>SUBMITTED</u>

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. CASE NO. 05-1737RPA

Appeal from dismissal. Psychiatric Technician Assistant. Department of Developmental Services. (Oral argument held July 11, 2006.)

7. CASE NO. 00-3446

Appeal to set aside resignation. Police Officer. California State University, Fresno. (Oral argument held September 5, 2006.)

8. CASE NO. 05-0078A

Appeal from dismissal. Workers' Compensation Payroll Auditor. State Compensation Insurance Fund. (Oral argument held September 5, 2006.)

Agenda – Page 22 December 19, 2006

9. PSC NO. 06-03

Appeal from Executive Officer Decision Disapproving Personal Services Contract for Unarmed Security Guard Services. Department of the California Highway Patrol. Service Employees International Union, Local 1000 (CSEA). (Oral argument held October 10, 2006.)

10. CASE NO. 05-3030A

Appeal constructive demotion. Office Technician. Department of Developmental Services. (Oral argument held October 31, 2006)

11. CASE NO. 05-1875A

Appeal from rejection during probationary period. Equipment Material Specialist. Department of Transportation. (Oral argument held October 31, 2006)

12. CASE NO. 05-0947A.

Appeal from dismissal. Housing Finance Specialist (General). California Housing Finance Agency. (Oral argument held December 5, 2006)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State

Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no
later than 90 days after submission of a case, whichever is first, absent the publication of
substantial reasons for needing an additional 45 days, the Board hereby publishes its
substantial reasons for the need for the 45-day extension for some of the cases now
pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal. 12/19/06)

TO: Members

State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding any bills that you may have an interest in. I can be reached at (916) 653-0453.

Sherry A. Evans

Director of Legislation

STATE PERSONNEL BOARD NON-HEARING CALENDAR

RE: BOARD DATE DECEMBER 5, 2006

(Cal. 12/19/06)

MEMO TO : STATE PERSONNEL BOARD

FROM : KAREN COFFEE, Chief, Merit Employment and Technical Resources Division

SUBJECT : Non-Hearing Calendar Items for Board Action

NONE PRESENTED

(Cal. 12/19/06)

MEMO TO : STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and

Technical Resources Division

SUBJECT: Staff Calendar Items for Board Information

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PUBLIC HEALTH SOCIAL WORK CONSULTANT I

The Office of the California Prison Healthcare Receiver on behalf of the California Department of Corrections and Rehabilitation (CDCR) proposes revisions to the Licensed Vocational Nurse (Safety) classification. The Receiver's revisions provide for use of the class within an institutional setting and do not impact current incumbents.

501



California State Personnel Board

ARNOLD SCHWARZENEGGER, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov

TO:

State Personnel Board

FROM:

Karen Coffee, Chief

Jennifer Roche, Personnel Analyst

Merit Employment and Technical Resources Division

PROPOSED ACTION:

On behalf of the Federal Receiver Robert Sillen, and the California Department of Corrections and Rehabilitation (CDCR) proposes that the attached classification revisions to the Public Health Social Work Consultant I be adopted.

Staff is in agreement with this proposal.

BACKGROUND:

The Receiver requests this revision so that he can hire Public Health Social Work Consultant I positions to join the medical care teams in California's prisons, pursuant to the Federal Court order vesting him with the power to hire, supervise, promote, transfer and take all other personnel action regarding the California Department of Corrections and Rehabilitation employees who perform services related to the delivery of mental health care in the prisons. A copy of the order is attached for your convenience.

APPROVAL:

SPB Staff Signature:

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Title:

Chief, Merit Employment and Technical Resources Division

Karm laffee

Effective Date:

12/4/06

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: XQ60 Class Code: 9882 Established: 5/21/64

Revised: -Title Changed: --

PUBLIC HEALTH SOCIAL WORK CONSULTANT I

DEFINITION

Under supervision, in the Department of Social Services, to provide social work consultation and assistance to public health programs and projects; and to do other related work.

TYPICAL TASKS

Provides consultation to local jurisdictions and to other units within the Department in the application of social work knowledge and methods in the planning of public health programs, in the demonstration of new public health services, and in the planning for collection and analysis of social data for projects; correlates data and prepares it for analysis; applies casework and group work methods in demonstration projects; consults with other professional disciplines in relation to social and emotional factors important to health; participates in community planning for health and welfare services; assists in the development of standards and guides for public health programs and practice; participates in meetings, committees, conferences, and educational programs; and prepares verbal and written reports.

MINIMUM QUALIFICATIONS

Experience: Two years of social work experience which must have included:

- 1. One year of supervised casework experience in a medical setting in a hospital, clinic, or public health department. and
- 2. One year of consultative, supervisory, or administrative experience. <u>and</u>

<u>Education</u>: Completion of a two-year graduate curriculum in social work in a recognized school of social work.

KNOWLEDGE AND ABILITIES

Knowledge of: Principles, procedures, techniques, trends, and literature of social work; and the casework, group work, or community organizations method; consultation method; social aspects of health and disease; principles of administration and supervision; scope and activities of public and private health and welfare agencies; and current trends in public health and welfare, Federal, and State programs.

<u>Ability to</u>: Apply social work knowledge and principles to new health problems and programs; plan and execute systematic collection of social data for study and analysis; communicate social work knowledge for application by other disciplines; analyze data and situations accurately; and speak and write communicate effectively.

SPECIAL PERSONAL CHARACTERISTIC

Willingness to travel throughout the State.